

Notice of Allowability

Application No.

09/201,475

Examiner

Nga B. Nguyen

Applicant(s)

MILSTED ET AL.

Art Unit

3628

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the communication filed on July 25, 2002.
2. ☒ The allowed claim(s) is/are 45-78.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413), Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

DETAILED ACTION

1. This Office Action is the answer to the Amendment filed on July 25, 2002, which paper has been placed of record in the file.
2. Claims 45-78 are pending in this application.

Allowable Subject Matter/Reasons for Allowance

3. Claims 45, 50, 57, 58, 63, 71, 72, and 78 are allowed over the prior arts cited records.

The closets prior arts are:

- 1) Oda (US 5,703,646) discloses encoding at least a portion of an input video signal to generate first encoded data, determining an encoding rate every predetermined time on the basis of data quantity every predetermined time of the first encoded data and total quantity of usable data, and encoding the input video signal every predetermined time on the basis of the encoding rate to generate second encoded data. Oda is not directed to the measurement of the rate of encoding itself so as to determine the progress of the encoding process. Rather, Oda is directed to selecting the encoding rate, i.e., the parameters used to set the encoding such as bit rate and the algorithm.
- 2) DeJaco (US 5,911,128) discloses encoding active speech frames at a reduced data rate by encoding speech frames at rates between a predetermined maximum rate and a predetermined minimum rate, selecting an encoding mode that provides rate efficient coding of the input speech, identifying a set of parameters ideally

suited for this operational mode selection and to provide a means for generating this set of parameters. DeJaco is not directed to the measurement of the rate of encoding itself so as to determine the progress of the encoding process. Rather, DeJaco is directed to selecting the encoding rate, i.e., the parameters used to set the encoding such as bit rate and the algorithm.

3) Kato (US 675379) discloses encoding moving picture signals. A plurality of encoding picture groups, each consisting of a pre-set number of encoding pictures freed of redundant pictures from a plurality of original pictures represented by the input moving picture signals, are formed, and the number of original pictures used for forming the encoding picture groups and the group-based target bit amount are calculated. The moving picture signals of the encoding pictures are encoded from one picture group to another based upon the target bit amount. Even if the encoding picture rate is changed from one picture group to another, the target bit amount can be adaptively controlled with these changes in the encoding picture rate. Kato is not directed to the measurement of the rate of encoding itself so as to determine the progress of the encoding process.

Therefore, it is clear from the description of Oda, DeJaco, and Kato, that the prior arts do not considered the possibility of: calculating a measured rate of encoding using the selected sample and the predetermined period of time, so as to provide an interim rate of completion of a subsequent process of encoding the content with the algorithm and the bit rate which has been selected, as included in claims 45, 58, and 72, retrieving a previously calculated measured rate of encoding so as to provide an

interim rate of completion for a subsequent process of encoding the content with the specific encoding algorithm and the bit rate, as included in claims 50 and 63, calculating a measured rate of encoding using the selected sample and an amount of time it took to encode the selected sample so as to provide an interim rate of completion of a subsequent process of encoding the content with the algorithm and a bit rate which has been selected, as included in claims 57, 71, and 78.

4. Claims (46-49), (51-56), (59-62), (64-70), and (73-77), are allowed because they are dependent claims of the allowable independents 45, 50, 58, 63, and 72 above, in that order.

Conclusion

5. Claims **45-78** are allowable.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Nga B. Nguyen whose telephone number is (571) 272-6796. The examiner can normally be reached on Monday-Thursday from 9:00AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyung S. Sough can be reached on (571) 272-6799.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 306-1113.

7. Any response to this action should be mailed to:

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Commissioner of Patents and Trademarks

C/o Technology Center 3600

Washington, DC 20231

Or faxed to:

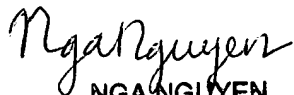
(703) 872-9306 (for formal communication intended for entry),

or

(571) 273-0325 (for informal or draft communication, please label

"PROPOSED" or "DRAFT").

Hand-delivered responses should be brought to Knox Building, 501 Dulany
Street, Alexandria, VA, First Floor (Receptionist).


NGA NGUYEN
PRIMARY EXAMINER

September 5, 2006